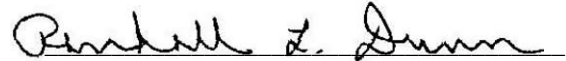


February 02, 2012

Clerk, U.S. Bankruptcy Court

Below is an Order of the Court.



RANDALL L. DUNN
U.S. Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT

FOR THE DISTRICT OF OREGON

In Re:) Bankruptcy Case
David Liston Culpepper and) No. 09-38599-rld7
Linda Marie Culpepper,)
Debtors.) ORDER TO SHOW CAUSE
(Civil Contempt)

Based upon the motion ("Motion") of the debtors that the court find Wells Fargo Bank, N.A.¹ in civil contempt, IT IS HEREBY **ORDERED**:

1. **WELLS FARGO BANK, N.A.**, shall appear, through an executive officer, before the court for an evidentiary hearing at the following date, time and location:

DATE: March 30, 2012 LOCATION: US Bankruptcy Court
7th Fl, Courtroom #3
TIME: 1:30 p.m. 1001 S.W. 5th Ave
Portland, Oregon 97204

and **SHOW CAUSE**, if any, why it should not be held in civil contempt of

¹ Wells Fargo Bank, N.A. is the successor by merger to Wells Fargo Bank Southwest, N.A., formerly known as Wachovia Mortgage, FSB fka World Savings Bank, FSB. See paragraph 1.a. of the Chapter 7 Motion for Relief from Debtor Stay Filed By Creditor Wells Fargo Bank, N.A., docket number 9 in bankruptcy case no. 09-38599-rld7.

1 court for willful violation of the discharge injunction entered in the
2 above referenced case on February 19, 2010 by:

3 a. making repeated telephone calls to or collection efforts against
4 debtors in an attempt to collect a mortgage debt discharged in this case
5 for property surrendered by the debtors; and/or

6 b. misrepresenting to the debtors that Wells Fargo Bank, N.A. was
7 not barred by the discharge injunction from continuing the collection
8 efforts; and/or

9 c. telling the debtors that Wells Fargo Bank, N.A. had no ability
10 to stop the telephone calls which violated the discharge injunction;
11 and/or

12 d. continuing the telephone calls notwithstanding communication
13 from the debtors' counsel that any collection efforts were in violation
14 of the discharge order entered in this case; and/or

15 e. continuing the telephone calls notwithstanding having been
16 provided notice of the Motion by Wells Fargo Bank, N.A.'s former counsel
17 in this case, the firm of Hershner Hunter LLP.

18 At the hearing the court will determine whether **Wells Fargo Bank,**
19 **N.A.** is in civil contempt and shall provide further relief as the court
20 deems appropriate, including damages and/or monetary sanctions.

21 2. Any exhibits the parties intend to present at the evidentiary
22 hearing shall be marked and filed by March 23, 2012. The debtors shall
23 mark their exhibits with numbers, Wells Fargo Bank, N.A. with letters.
24 Each party shall prepare a list of their exhibits and file the original
25 and two copies of the list and numbered exhibits. The exhibits shall be
26 tabbed and presented in three (3) separate three-ring binders, each

1 **containing one set.** Except for good cause shown, no exhibits will be
2 received in evidence at the hearing unless presented in accordance with
3 this order.

4 3. Pursuant to Local Bankruptcy Rule 9010-1.C., corporations,
5 partnerships, associations and any other entity that is not an individual
6 (e.g., any trust, LLC, LLP, conservatorship, guardianship, etc.) **must be**
7 **represented by an attorney.**

8 4. The Debtors' counsel shall (1) serve a copy of this Order to Show
9 Cause, together with the Motion, pursuant to Fed. R. Bankr. P. 7004 on
10 **Wells Fargo Bank, N.A.** within ten days of the date this Order to Show
11 Cause is entered, and (2) file a certificate of such service with the
12 court not later than February 15, 2012.

13 # # #

14 cc: Wells Fargo Bank
15 David Liston Culpepper
16 Linda Marie Culpepper
17 Michael Fuller
18 Michael B. Batlan, Trustee
19 U.S. Trustee
20
21
22
23
24
25
26